

## SKETCH

OF THE CHARACTER OF BUSHROD WASHINGTON, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

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THE death of Mr. Justice Washington is an event, which cannot but cast a gloom upon all the real friends of our country. He was born on the 5th of June, 1762, and was, of course, now in the sixty-eighth year of his age. It is well known, that he was the nephew, and, we have a right to say, the favorite nephew of President Washington. The latter bequeathed to him, by his will, his celebrated estate on the Potomac, Mount Vernon, which was the residence of this great patriot during the most brilliant periods of his life, the delightful retreat of his old age, the scene of his dying hours, and the spot, where, by his own order, his ashes now repose in the same tomb with his ancestors. To him also, President Washington gave all his valuable public and private papers, as a proof of his entire confidence and attachment, and made him the active executor of his will. Such marks of respect from such a man,—the wonder of his own age, and the model for all future ages,—would alone stamp a character of high merit, and solid distinction, upon any person. They would constitute a passport to public favor, and confer an enviable rank, far beyond the records of the herald's office, or the fugitive honors of a title.

It is high praise to say, that Mr. Justice Washington well deserved such confidence and distinction. Nay, more. His

merits went far beyond them. He was as worthy an heir, as ever claimed kindred with a worthy ancestor. He was bred to the law in his native state of Virginia, and arrived at such early eminence in his profession, that as long ago as 1798, he was selected by President Adams, as a Justice of the Supreme Court, upon the decease of the late Judge Wilson, of Pennsylvania. For thirty-one years he held that important station, with a constantly increasing reputation and usefulness. Few men, indeed, have possessed higher qualifications for the office, either natural or acquired. Few men have left deeper traces, in their judicial career, of every thing, which a conscientious judge ought to propose for his ambition, or his virtue, or his glory. His mind was solid, rather than brilliant; sagacious and searching, rather than quick or eager; slow, but not torpid; steady, but not unyielding; comprehensive, and at the same time cautious; patient in inquiry, forcible in conception, clear in reasoning. He was, by original temperament, mild, conciliating, and candid; and yet he was remarkable for an uncompromising firmness. Of him it may be truly said, that the fear of man never fell upon him; it never entered into his thoughts, much less was it seen in his actions. In him the love of justice was the ruling passion; it was the master-spring of all his conduct. He made it a matter of conscience to discharge every duty with scrupulous fidelity and scrupulous zeal. It mattered not, whether the duty were small or great, witnessed by the world, or performed in private, everywhere the same diligence, watchfulness, and pervading sense of justice were seen. There was about him a tenderness of giving offence, and yet a fearlessness of consequences, in his official character, which I scarcely know how to portray. It was a rare combination, which added much to the dignity of the bench, and made justice itself, even when most severe, soften into the moderation of mercy. It gained confidence, when it seemed least to seek it. It repressed arrogance, by overawing or confounding it.

To say, that, as a judge, he was wise, impartial, and honest,

is but to attribute to him those qualifications, without which the honors of the bench are but the means of public disgrace, or contempt. His honesty was a deep, vital principle, not measured out by worldly rules. His impartiality was a virtue of his nature, disciplined and instructed by constant reflection upon the infirmity and accountability of man. His wisdom was the wisdom of the law, chastened, and refined, and invigorated by study, guided by experience, dwelling little on theory, but constantly enlarging itself by a close survey of principles.

He was a learned judge. I do not mean by this that every-day learning, which may be gathered up by a hasty reading of books and cases ; but that, which is the result of long-continued, laborious services, and comprehensive studies. He read to learn, and not to quote ; to digest and master, and not merely to display. He was not easily satisfied. If he was not as profound as some, he was more exact than most men. But the value of his learning was, that it was the keystone of all his judgments. He indulged not the rash desire to fashion the law to his own views ; but to follow out its precepts with a sincere good faith and a simplicity. Hence he possessed the happy faculty of yielding just the proper weight to authority ; neither, on the one hand, surrendered himself blindfold to the dictates of other judges, nor, on the other hand, overruling settled doctrines upon his own private notion of policy or justice.

In short, as a magistrate, he was exemplary and able, one whom all may reverence, and but few may hope to equal.

But, after all, it is as a man, that those who knew him best will most love to contemplate him. There was a daily beauty in his life, which won every heart. He was benevolent, charitable, affectionate, and liberal, in the best sense of the terms. He was a Christian, full of religious sensibility, and religious humility. Attached to the Episcopal church by education and choice, he was one of its most sincere, but unostentatious friends. He was as free from bigotry, as any

man; and at the same time that he claimed the right to think for himself, he admitted, without reserve, the same right in others. He was, therefore, indulgent even to what he deemed errors in doctrine, and abhorred all persecution for conscience' sake. But what made religion most attractive in him, and gave it occasionally even a sublime expression, was its tranquil, cheerful, unobstructive, meek, and gentle character. There was a mingling of Christian graces in him, which showed, that the habit of his thoughts was fashioned for another and a better world. Of his particular opinions on doctrinal points, it is not my intention to speak. Such as they were, though good men may differ as to their correctness, all must agree that they breathed the spirit of an inquisitive Christian.

He was a real lover of the Constitution of the United States; one of those who assisted in its adoption, and steadily and uniformly supported it through every change in its fortunes. He was a good old-fashioned federalist, of the school of the days of Washington. He never lost his confidence in the political principles which he first embraced. He was always distinguished for moderation, in the days of their prosperity, and for fidelity to them in the days of their adversity.

I have not said too much, then, in saying, that such a man is a public loss. We are not, indeed, called to mourn over him, as one who is cut off prematurely in the vigor of manhood. He was ripe in honors and in virtues. But the departure of such a man severs so many ties, interrupts so many delights, withdraws so many confidences, and leaves such an aching void in the hearts of friends, and such a sense of desolation among associates, that, while we bow to the decree of Providence, our griefs cannot but pour themselves out in sincere lamentations.